

Applicant: Michael P. Ronan et al
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REMARKS

Reconsideration of the above identified patent application is respectfully requested. Claims 1-14 and 18-35 remain in the application. Claims 15-17 are canceled, their subject matter being incorporated into claim 14. Claim 14 is amended to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Claims 23-34 are withdrawn as being directed to non-elected inventions.

It is asserted that the pending application is directed to the following patentably distinct species:

Species I: the container formed by the blank in Figs. 1-4.

Species II: the container formed by the blank in Figs. 5-8; and

Species III: the container formed by the blank in Fig. 9.

Applicants elect to continue prosecution of Species II, including all claims directed to the container formed by the blank in Figs. 5-8. In making the restriction, Applicant assumes that the Examiner is referring to the existence of an uncoated stripe extending through the punch scores in Figs. 5-8. Applicants submit that claims 1, 3-22, and 35 read on the container formed by the blank in Figs. 5-8.

Applicants further submit that claims 1, 3, 14, 18-22, and 35 are generic to Species I, Species II, and Species III. Independent claim 14 is amended to recite that the uncoated stripe may be located on either the first panel, extending through the knock-outs, or the second panel, extending through the punch scores. Therefore, all of the independent claims read on the blank of Species I (including both knock-outs and punch scores), and none of the

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independent claims precludes the blank from including an uncoated stripe extending through either the knock-outs (Species III) or the punch scores (Species II).

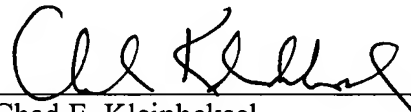
Finally, Applicants submit that the additional examination of claim 2 would not impose a serious burden on the Examiner. Claim 2 is directed to a blank having an uncoated stripe extending through the knock-outs. Because there are other claims, (e.g. claim 14) that are in the elected Species and recite this same subject matter, Applicants submit that the Examiner's search will necessarily include the subject matter of claim 2 and that therefore the examination of claim 2 will not require any additional searching.

In view of this Response, Applicants respectfully request prosecution of the application on the merits.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Tri M. Mai
Art Unit : 3727
Applicant : Michael P. Ronan et al
Serial No. : 10/058,594
Filing Date : January 28, 2002
For : EASY-OPEN FOLDING CARTON AND METHOD
FOR MANUFACTURING SAME

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that the attached Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
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on November 29, 2004.

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